

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
February 16, 2005/  
February 17, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., February 16, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Fulton Brock, District 1 (attended by conference phone); Andrew Kunasek, District 3. Absent: Don Stapley, Vice Chairman, District 2, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**MEETING RECESSED**

Chairman Wilson called the meeting to order and then recessed the meeting to be reconvened at 9:00 a.m., February 17, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, to consider items on the February 16, 2005, agenda.

**MEETING RECONVENED**

Chairman Wilson reconvened the meeting at 9:00 a.m., February 17, 2005, in the Board of Supervisors Conference Room, 301 W. Jefferson, Phoenix, Arizona with the following members present. Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Fran McCarroll, Clerk of the Board, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Evelyn Bester, Clerk of the Board's Office, led the assemblage in the Pledge of Allegiance.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Wilson called for a public hearing on liquor license application "a" for the Desert Flame. A protest was received from the Sheriff's Office and Deputy Gary D'Agostino reported on their investigation.

- a. Application filed by Milenko Spasojevic/Mangup Investments, Inc. for a Person-to-Person Transfer and a Transfer-of-Location of a Series 6 Liquor License from Milenko Spasojevic/Champions Sports Bar & Grill, Inc.: (LL6138). (This hearing continued from January 19, 2005.)

Business Name: Desert Flame **DENIED**

Location: 11145 E. Apache Trail, Apache Junction, AZ 85220

Former Location: Champions Sports Bar & Grill, Inc. 1825 E. Apache Blvd., Tempe, AZ 85281

Deputy Gary D'Agostino reported on the background investigation he was asked to conduct on this Person and Location Transfer application for Milenko and Zdenko Spasojevic. He said the first portion of

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his investigation was on the applicant's current location in Tempe, Champions Sports Bar & Grill, Inc. He requested and received a dispatch history from the Tempe Police Department for that address for any kind of incident in the past two years. The printout showed 216 incidents/calls for a wide variety of services including assaults, narcotics arrests, traffic stops, burglaries, trespassing, unwanted guests, etc. He said the applicant's 216 calls at Champions, which is a totally nude gentlemen's club, far exceeded any other calls received from similar establishments in that area, the next highest number being 28 calls for one year. The applicant has changed the corporation papers and is requesting a Person And Location Transfer to move the club to Apache Junction where it will become a topless bar. Deputy D'Agostino reported that a continuance of such an excessive number of calls at the Apache Junction location would severely impact the number of sheriff's deputies available to service and protect residents in that area.

Deputy D'Agostino's second query involved the applicants and he checked them through the criminal database. Milenko Spasojevic's fingerprints are on file with the FBI and when the cause was requested from the FBI he received a "dead end." He said restriction of case information to the Sheriff's Office was considered as very unusual. Vera Spasojevic has had several fines imposed by the AZ State Liquor and Control Department for acts of violence not reported and for repeated acts of violence at Champions. The Liquor Board determined that she had also shown deception on who the owners of Champions were, failing to show that Milenko Spasojevic and Zdenko Spasojevic were the actual owners. She was fined \$3,500 and asked to divest herself of the business. She is now listed as Statutory Agent and as a member of the Board of Directors for the new bar, Desert Flame, to be located in Apache Junction.

He said the most troubling thing found in the background checks was the multiple Social Security numbers for both Milenko and Zdenko Spasojevic, each having four Social Security numbers in their names although the names and numbers had been "tweaked" slightly but they applied to various of their listed property ownerships. He said the investigation on this would continue.

Deputy D'Agostino concluded by saying that based on the history of numerous calls for service at their current club, Champions; failure to report the acts of violence that happened within their club, Champions; the deception shown previously to the Arizona State Liquor & Control Board; and based also on the possible discrepancies in the numerous Social Security numbers they have used, the Maricopa County Sheriff's Office could not recommend approval of their requested liquor license application.

Harvey Yee, attorney for the applicants, requested a continuance of this hearing because the applicants had not received a copy of the Deputy's report until the previous day. He said that the applicant disputes the information given in that report and has hired a company to conduct an investigation on the errors they believe the report contains. He said they would like the opportunity to present evidence to the Board that would dispute that given by Deputy D'Agostino. He added that the applicant would waive the 60-day time limit so this investigation, which would take approximately two weeks, could be concluded.

Supervisor Stapley said the case has already been continued and the applicant has known that issues were found for a long time. "Since our vote today is a recommendation to the Liquor Board the applicant will have an opportunity to present any contradictory evidence they find to that Board." He felt nothing would be gained by having the County continue the case again. Supervisor Stapley added, "Based on the fact of the number of calls alone, they know that's a problem that is part of the whole picture that's been in existence at that establishment for a long time."

Supervisor Kunasek agreed and said he would like to have a follow-up report from Deputy D'Agostino on the response of the State Liquor Board when this hearing comes before them.

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Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (5-0) to forward this to the Arizona State Liquor Board with a recommendation for denial. Supervisor Stapley said he supported this motion based on the testimony of the Sheriff's Department Deputy and the history of the unreported acts of violence that are part of the record as presented to the Board of Supervisors at this hearing.

Chairman Wilson called for a public hearing on liquor license applications "b" through "f." No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

- b. Application filed by Roger David Kenny for a Special Event Liquor License: (F23164) (SELL663)

Business Name: FROHSINN Men's Chorus Sun Cities  
Location: 13800 W. Deer Valley Road, Sun City West, AZ 85373  
Date/Time: March 13, 2005, 12:00 pm to 10:00 pm

- c. Application filed by John Edward Bertaut for a Special Event Liquor License: (F23164) (SELL665)

Business Name: Knights of Columbus #11809  
Location: 19002 N. 128<sup>th</sup> Avenue, Sun City West, AZ 85375  
Date/Time: February 23, 2005, 5:00 pm to 10:00 pm

- d. Application filed by Donald E. Majdecki for a Special Event Liquor License: (F23164) (SELL664)

Business Name: St. Clement Men's Club  
Location: 15800 Del Webb Boulevard, Sun City, AZ  
Date/Time: March 19, 2005, 5:00 pm to 11:00 pm

- e. Application filed by Randal Dauer for a Special Event Liquor License: (F23164) (SELL666)

Business Name: Speedworld R/C Flyers  
Location: 19421 W. Jomax Road, Wittmann, AZ  
Date/Time: March 5, 2005, 10:00 am to midnight

- f. Application filed by Jerry Sieve for a Special Event Liquor License: (F23164) (SELL667)

Business Name: NOVA Youth Cycling Foundation  
Location: McDowell Mountain Regional Park, Fountain Hills, AZ 85269  
Date/Time: March 19, 2005, 8:00 am to 5:00 pm  
March 20, 2005, 12:00 noon to 5:00 pm

Motion to approve liquor license applications "b" through "f" carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

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**ROAD DECLARED (ROAD FILE NO. A322)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64051945) (C6405194500)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 19<sup>th</sup> day of January, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

COMMENCING at the Southwest corner of Section 2; thence North 01°18'47" East, a distance of 1697.22 feet; thence South 75° 34'09" West, a distance of 26.14 feet to the POINT OF BEGINNING; thence North 75°34'09" East, a distance of 1169.83 feet to the point of tangency of a curve to the Right having a radius of 7637.45 feet, thence Northeasterly along said curve through a central angle of 08°04'44", an arc distance of 1077.18 feet; thence North 83°38'53" East, a distance of 379.15 feet to the point of tangency of a curve to the Left, having a radius of 15278.90 feet, thence Northeasterly along said curve through a central angle of 03°20'18", an arc distance of 890.20 feet; thence North 80°18'35" East, a distance of 376.38 feet, to the point of tangency of a curve to the Right, having a radius of 11459.18 feet, thence Northwesterly along said curve through a central angle of 05°14'36", an arc distance of 1048.69 feet, POINT OF ENDING.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 17<sup>th</sup> day of February 2005.

**PUBLIC HEARING – CLERK OF THE COURT’S ELECTRONIC DOCUMENT MANAGEMENT FEE**

The Chairman called for a public hearing, pursuant to A.R.S. §11-251.08. No protests having been received and no speakers coming forth at the chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize an increase of \$20 to the Electronic Document Management fee (currently \$20) to a new total of \$40. The EDM Fee was established by the Board of Supervisors in agenda C16020028 and is assessed upon the filing of initial complaints, and answers or responses, in all civil, family, probate, and tax cases. The proposed fee increase proceeds will be deposited by the Clerk of the Court into the Electronic Document Management Fund (274). Also, per A.R.S. §42-17106, transfer revenue and expenditure appropriation from FY 2004-05 contingency funds in the amount of \$478,500 (annualized impact is \$1,450,000) from General Government (470) General Government Grants Fund (249) Reserve for "Potential Fee Increases" (4711) to the Clerk of the Superior Court's (160) Electronic Document Management Fund (274). Approval of this action will allow the Office of the Clerk of the Superior Court to expand services to the court, legal community, and the public. Effective date of this action is March 1, 2005. (C1605007800) (ADM1005)

**PUBLIC HEARING - FRANCHISE – WEST END WATER COMPANY – CONTINUED**

Item: This is the time scheduled for a public hearing on an application for continuation of an existing franchise, filed by West End Water Company for a public service franchise to construct, maintain and operate a domestic water and wastewater distribution/collection systems, consisting of pipe lines, meters, connections, and all necessary equipment within Maricopa County. Continued from the October 6, 2004, November 17, 2004, December 15, 2004 and January 19, 2005 meetings. Staff recommends continuance of this item to February 22, 2005. (F17643)

No protests having been received and no speakers coming forth at the chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Stapley to continue this matter to the February 22, 2005 meeting.

**PUBLIC HEARING – CABLE LICENSE APPLICATIONS**

The Chairman called for a public hearing as required by Arizona Revised Statutes A.R.S §9-507. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to consider an application to transfer the cable television license held by Sun Lakes Cable, LLC to Western Broadband, LLC. (C7605003100) (ADM611-2005)

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**TRANSFER OF CABLE TELEVISION LICENSE AGREEMENT  
FROM SUN LAKES CABLE, L.L.C. TO  
WESTERN BROADBAND, L.L.C.**

**WHEREAS**, Sun Lakes Cable, L.L.C. ("Licensee") currently owns and operates a cable television system ("System") operating in Maricopa County, Arizona ("Licensing Authority") and is the duly authorized holder of a cable license agreement, as amended to date, granted by the Licensing Authority ("License"), and

**WHEREAS**, Licensee and Western Broadband, L.L.C. ("Assignee") have entered into an agreement, dated October 27, 2004 ("Agreement"), pursuant to which Licensee has agreed to transfer substantially all of the assets of the System, including its rights under the License, to the Assignee ("Transaction"), and

**WHEREAS**, Licensee and Assignee have requested approval of the Transaction by the Licensing Authority in accordance with the requirements of the License and the Maricopa County Cable Communications Ordinance ("Ordinance") and have filed an FCC Form 394 (the "Transfer Application") with the Licensing Authority describing both the Assignee and the Transaction, and

**WHEREAS**, the Licensing Authority has reviewed the Transfer Application, examined the legal, financial, and technical qualification of the Assignee, followed all required procedures to consider and act upon the Transfer Application, and considered the comments of all interested parties, and

**WHEREAS**, the License is in full force and effect without default thereunder by the Licensee as of the date hereof in accordance with the terms and conditions as set forth therein, and the Assignee has agreed to comply with the License and applicable law from and after the completion of the transfer, and

**WHEREAS**, the Licensing Authority believes it is in the interest of the Licensing Authority to approve the Transaction as described in the Transfer Application and the transfer of the License to the Assignee;

**NOW, THEREFORE, BE IT RESOLVED** By The Licensing Authority As Follows:

SECTION 1. The Licensing Authority hereby approves the Transaction in accordance with the terms of the License and the Ordinance.

SECTION 2. The Licensing Authority confirms that (a) the License was properly granted to the Licensee, (b) the License represents the entire understanding of the parties and the Licensee has no obligations to the Licensing Authority other than those specifically stated in the License, and (c) the Licensee is materially in compliance with the provisions of the License and there exists no fact or circumstance known to the License Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the License or would allow the License Authority to cancel or terminate the rights thereunder, except upon the expiration of the full term of the License.

SECTION 3. This Approval shall be deemed effective for purposes of the Transaction upon consummation of the Transaction contemplated by the Agreement.

SECTION 4. The Licensing Authority confirms that the grant of a security interest, mortgage, pledge, or other encumbrance of the License, the System, or assets relating thereto by the

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Assignee as collateral for a loan does not constitute a "transfer of a license" under terms of the Ordinance, provided, however, that no subsequent transfer of the License shall be made in connection with the exercise of any remedial rights pursuant to such security interest, mortgage, pledge, or other encumbrance without first obtaining the consent of the Licensing Authority in accordance with the requirements of the License and the Ordinance.

SECTION 5. This Approval shall have the force of a continuing agreement with the Licensee and the Assignee, and the Licensing Authority shall not amend or otherwise alter this Approval without the consent of the Licensee and Assignee.

SECTION 6. The Licensing Authority releases the Licensee, effective upon the consummation of the Transaction contemplated by the Agreement, from all obligations and liabilities under the License that accrue on and after the consummation of the Transaction contemplated by the Agreement, provided that the Assignee shall be responsible for any obligations and liabilities under the License that accrue on and after the consummation of the Transaction contemplated by the Agreement.

**DATED** this 17<sup>th</sup> day of February 2005

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING – AIR POLLUTION CONTROL REGULATIONS**

The chairman called for a public hearing as required by A.R.S. §49-479(b), to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulation Rule 310.01 (Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways) and on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP). Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt proposed revisions to Maricopa County Air Pollution Control Regulations Rule 310.01 and to submit the rule as a revision to the (Arizona) State Implementation Plan. (Complete text of Revised Rule 310.01 is on file in the Clerk of the Board's Office.) (C8505004000) (ADM2357)

**NOTICE OF FINAL RULEMAKING  
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS  
REGULATION III  
RULE 310.01 – FUGITIVE DUST FROM OPEN AREAS, VACANT LOTS,  
UNPAVED PARKING LOTS, AND UNPAVED ROADWAYS**

**6. An explanation of the rule, including the department's reasons for initiating the rules:**

Rule 310.01 (Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways) limits the emission of particulate matter (PM<sub>10</sub>) into the ambient air from open areas, vacant lots, unpaved parking lots, and unpaved roadways that are not regulated by Rule 310 (Fugitive Dust) of the Maricopa County Air Pollution Control Regulations and that do not require a permit nor a Dust Control Plan.

Maricopa County adopted Rule 310.01 in June 1999 and revised Rule 310.01 in February 2000, in order to make Rule 310.01 approvable to the Environmental Protection Agency (EPA) as a

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replacement to the Federal Implementation Plan (FIP) and so that Rule 310.01 could be incorporated into the State Implementation Plan (SIP). In February 2005, Maricopa County revised Rule 310.01 to address commitments proposed in the Salt River PM<sub>10</sub> State Implementation Plan (SIP) Revision. Other revisions to Rule 310.01 improved clarity and corrected typographical and formatting errors.

**7. Demonstration of compliance with A.R.S. § 49-112:**

Under A.R.S. § 49-479(c), a county may not adopt a rule that is more stringent than the rules adopted by the director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the requirements of A.R.S. § 49-112. Under that statute:

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
  - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible
  - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

A.R.S. § 49-112 (A).

Maricopa County revised Rule 310.01 in order to address a peculiar local condition: the designation of Maricopa County as a serious nonattainment area for PM<sub>10</sub> and to address Best Available Control Measures (BACM) and Most Stringent Measures (MSM) proposed in the Salt River PM<sub>10</sub> State Implementation Plan (SIP) Revision.

Maricopa County is the only PM<sub>10</sub> serious nonattainment area in Arizona, consequently stronger regulations must be adopted in this area to address a serious health threat. Because of this, the revisions comply with A.R.S. § 49-112 (A)(1). Additionally because Rule 310.01 is part of the Arizona State Implementation plan for the control of PM<sub>10</sub>, the regulation is federally enforceable and changes are required under 40 C.F.R. 51.120 (c)(102) to effect enforceable commitments made by Maricopa County. Therefore the rule revisions have been made pursuant to A.R.S. § 49-112 (2).

In addition, the purpose of the Salt River PM<sub>10</sub> SIP Revision is to meet the Environmental Protection Agency's (EPA's) requirements to implement control measures committed to in the Salt River Plan by February 2, 2005 and to demonstrate attainment of the 24-hour federal standard for coarse particulate matter air pollution by December 31, 2006 in the Salt River Study Area. The EPA requires that control measures applied to significant sources of PM<sub>10</sub> emissions in the Salt River Study Area be applied to similar



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sources throughout the Maricopa County serious PM<sub>10</sub> nonattainment area. The revisions to Rule 310.01 meet such requirements.

**EXEMPT VEHICLE FROM MARKINGS AND GOVERNMENT PLATES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve exemption from markings and from government plates of a 2002 Cadillac Escalade used for suppression details per A.R.S. §38-538.03. On July 7, 2004, the Board of Supervisors approved a Vehicle Use Agreement between the National Insurance Crime Bureau (NICB) and the Maricopa County Sheriff's Office (MCSO) for the use of a 2002 Cadillac Escalade to be used for auto theft bait. This action allows the vehicle to be used as it was intended. The vehicle identification number of the vehicle purchased is on file at the Clerk of the Board's office. (C5004551401) (ADM3101-V)

**ADDITIONS TO FLEET AND EXEMPTION FROM MARKINGS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following additions and exemptions:

- a) A permanent addition to fleet of one black, full size, police equipment pack 2005 Ford Crown Victoria sedan. This vehicle will be purchased with Sheriff's Jail Enhancement Funds and will be used by the Court Security Captain who is responsible for the safety and security of all Superior and Justice Court Judges within Maricopa County. The estimated annual operating costs are \$3,000 per year to be paid from Org 5042, Court Security and Transport. Due to the nature of its use, also approve exemption from markings and issuance of non-governmental license plates. The vehicle identification number of the vehicle purchased is on file at the Clerk of the Board's office. (C5005046M00) (ADM3104-V)
- b) A one-time addition to fleet of one 2004 Mercury Grand Marquis valued at \$17,731 to be purchased with RICO funds and used in the Homeland Security Unit of the Counter Terrorism/Intelligence Division. Continued operation and maintenance of this vehicle (approximately \$3,500/year) will be funded by RICO. This is a one-time addition to fleet with no funding from the vehicle replacement fund for its replacement. Approval is also requested that this vehicle be deep undercover with no markings and issued non-governmental license plates per A.R.S. §38-538.03. The vehicle identification number of the vehicle purchased is on file at the Clerk of the Board's office. (C5005051M00) (ADM3104-V)

**DONATIONS TO THE SHERIFF'S OFFICE ANIMAL SAFE HOSPICE UNIT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of 22 donations to the Sheriff's Office Animal Safe Hospice Unit (MASH) totaling \$1,081.75 from various individuals and organizations. (C5005047M00) (ADM3900)

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**SHERIFF'S DONATIONS FUND**

<b>Date</b>	<b>Donor</b>	<b>Amount</b>	<b>Check Number</b>	<b>Cash/ Receipt No.</b>	<b>Designation</b>
11/27/2004	Mary Lewis	\$25.00	149		MASH
11/27/2004	Scott & Lebertha Umbreit	\$25.00	317		MASH
11/27/2004	Ruth & Curtis Needham	\$100.00	7240		MASH
11/27/2004	Unknown	\$6.75		413012	MASH
11/27/2004	Penni Montgomery	\$10.00		413010	MASH
11/27/2004	Mary Jerome	\$25.00		413015	MASH
11/27/2004	Kelly Bowers	\$40.00		413000	MASH
11/27/2004	Aaron Peach	\$40.00		413014	MASH
11/27/2004	Joanne Flaum	\$50.00		413011	MASH
11/30/2004	Kerry Martin 5837 E Nora St Mesa AZ 85215	\$50.00	4280		MASH
11/24/2004	Clay B. Hester	\$100.00	6684		MASH
12/17/2004	Anonymous	\$50.00	283		MASH
12/17/2004	Maryvale Justice Court	\$20.00	4994		MASH
12/17/2004	South Phoenix Justice Court	\$125.00	4717		MASH
12/17/2004	Anonymous	\$25.00			MASH
12/22/2004	South Phoenix Justice Court	\$125.00	4738		MASH
12/24/2004	Ida F Charles 8501 E. Rose Lane Scottsdale, AZ 85250	\$100.00	1170		MASH
1/4/2005	Meribeth F. Jones 15166 W. Camino Estrella Dr. Surprise, AZ 85374	\$50.00	3641		MASH
12/29/2004	Mary L. Alexander 1331 Gem Court Wisconsin Dells, WI 53965-8960	\$50.00	853		MASH
12/26/2004	Gretchen Radewan-Buck 31 W. Flynn Ln Phoenix, AZ 85013	\$25.00	1346		MASH
1/14/2005	Lois M. Hires 7638 E. Covina St Mesa, AZ 85207	\$25.00	6058		MASH
1/14/2005	Teryl & Tancy Grubb 2435 N. Keystone Dr. Flagstaff, AZ 86004	\$15.00	1944		MASH
<b>TOTAL DONATIONS</b>		<b>\$1,081.75</b>			

**TRANSFER FUNDS FOR NEW FACILITY OPERATING COSTS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to transfer expenditure authority from FY 2004-05 contingency funds in the amount of \$2,317,348 (annualized impact is \$5,172,237) from General Government (470)

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Detention Fund (Fund 255) Reserved Contingency (4711) for "New Facility Operating Costs" to the Sheriff's Office (500) Detention Fund (255). Approval of this action will allow the Sheriff's Office the necessary initial framework of personnel with related supplies and equipment to open the new detention facilities. This amount represents funding of 88 detention rank positions, one accounting clerk position, one telecommunications technician position and the required supplies and services effective March 1, 2005. (C5005048800) (ADM3900-003)

**DIFFERENTIAL PAY FOR SHERIFF'S FIELD TRAINING OFFICERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a 5% per working hour differential pay for Sheriff's Office Deputies and Detention Officers who are assigned as Field Training Officers (FTOs) for the hours they work performing that duty. FTOs are currently compensated for this duty via Special Work Assignment (SWA). Per the Employee Compensation Plan, VII.E, this action requires Board of Supervisors approval. (C5005050M00) (ADM3900-001)

**TRANSFER FUNDS FOR PROBATION OFFICER POSITIONS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to transfer expenditure appropriation from FY 2004-05 contingency funds in the amount of \$99,636 (annualized impact is \$202,299) from the General Government (470) General Fund (Fund 100) General Contingency (4711) to the Adult Probation Department (110) General Fund (100). Approval of this action will allow the Department to create two additional Probation Officer positions to perform required interviews of pretrial defendants and create three new Case Administrator positions to track defendants that fail to appear. (C1105004800) (ADM200-003)

**IGA WITH FORT MCDOWELL YAVAPAI NATION FOR HUMAN SERVICES CAMPUS CAPITAL CAMPAIGN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an IGA between Maricopa County and the Fort McDowell Yavapai Nation (Nation) whereby the Nation is contributing \$100,000 to the Human Services Campus Capital Campaign. The funding will be paid in four annual installments of \$25,000 over calendar years 2005, 2006, 2007 and 2008. (C2005006200)

**FUNDS TRANSFER FOR CONSULTANT SERVICES**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer and expenditure of \$55,000 from FY 2004-05 General Government (470) General Fund (100) Contingency (4711) to a new line item in General Fund Consultants (4724) entitled "Carla Carter & Associates." These funds will be used for consultant services that will assess Maricopa County against performance excellence criteria. Also, direct the Office of Management and Budget to include \$31,000 in the FY 2005-06 budget for the continuation of this line item. (C2005007800) (ADM1600-003)

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**LEASE WITH CSFB 1998-FL2 WEST MONROE OFFICE, LLC FOR OFFICE SPACE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute new full service Lease No. L-7371 with CSFB 1998-FL2 West Monroe Office, LLC, Lessor for office space at 111 W. Monroe, Phoenix. The office space is located on the 17th, 18th and 19th floors with a total space of approximately 31,123 square feet. The term of the lease is for 60 months. It is estimated that the lease will commence on or about May 2005. This lease arrangement shall allow for new office space for the Office of Legal Advocate required as a result of the change of ownership of the 411 N. Central Building. (C5505001400)

**LEASE WITH JEFFERSON SQUARE, LP FOR STAFF TRAINING SPACE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute new full service Lease No. L-7368 with Jefferson Square, a limited partnership, Lessor for 1,400 square feet of space to be used for training and classroom purposes. The space will be required to train legal staff in the use of a new Indigent Representation Information System (IRIS). The lease term will commence on or about March 1, 2005 and expire on June 30, 2006. At \$12 per square foot per year the annualized rental cost is \$16,800 per year, or \$1,400, per month for approximately 16 months (\$22,400 plus 2.4% rental tax). The lease also provides up to six parking spaces at a cost of \$65 per month, per space. Lessee will reimburse Lessor up to \$5 per foot for modifications to the lease premises. (C5205007400)

**WAIVER TO COMPENSATION PLAN FOR FINANCIAL SERVICES MANAGER**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a waiver to the Maricopa County Compensation Plan, Section VII.A to allow a retroactive salary advancement for Financial Services Manager, Frances Dairman Poepppe, of \$5.65 per hour from September 27, 2004 to December 20, 2004. The retroactive pay, including benefits, will come from budgeted funds and will not exceed \$3,400. (C5205008M00) (ADM3308-001)

**LEASE WITH JEFFERSON SQUARE, LP FOR TEMPORARY OFFICE SPACE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute new full service Lease No. L-7370 with Jefferson Square, a Limited Partnership, Lessor, for 6,630 square feet of office space located at 45 W. Jefferson Street, Floors 5, 6, and 7, Phoenix, AZ. The Public Defender Appeals group is transferring from the 411 N. Central Avenue Building, which was recently purchased by the City of Phoenix for the ASU campus. The lease term will commence on or about March 1, 2005 and terminate on or about December 31, 2006. The lease contains a 180-day termination provision and a 6-month holdover provision. The lease also provides up to 16 parking spaces at a cost of \$65 per month, per space. Office Space Lease Costs: March 1, 2005 – February 28, 2006 at an annual rate of \$14/square foot plus rental tax. Monthly total is \$7,735 plus rental tax. Total annual cost is \$92,820 plus rental tax. March 1, 2006 – December 31, 2006 at an annual rate of \$14/square foot plus rental tax. Monthly total is \$7,735 plus rental tax. Total annual cost is \$77,350 plus rental tax. (C5205009000)

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**REJECT CLAIMS DEMANDS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to reject claim demands (January 2005) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to ARS §11-629 (not a proper charge against the County) and ARS §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$244,559.19 and ARS §11-622 \$0.00) (C3905028700) (ADM1804)

**MONTHLY REPORT**  
**JANUARY 2005**

<b>VENDOR</b>	<b>AMB., DOCTORS, HOSP. ARS 11-629</b>	<b>OVER SIX MONTHS ARS 11-622</b>
Advanced Cardiac Specialists	750.00	0.00
Arizona Arrhythmia Consultant	446.00	0.00
Arizona Medical Imaging	130.00	0.00
Banner Good Sam Trauma Service	221.00	0.00
Banner Good Samaritan Reg Med	2,898.50	0.00
Bna Neurosurgical Associates	9,400.00	0.00
Brown, James J. Md	300.00	0.00
Digestive Hlth Center Of Az	420.03	0.00
Emergency Physicians Prof Asso	394.00	0.00
Emergency Professional Svcs Pc	350.00	0.00
George Edelen Md	1,200.00	0.00
Hospitalists Of Arizona	3,629.00	0.00
Maricopa Health Systems	56,636.36	0.00
Medical Professional Assoc Of	6,262.00	0.00
Medpro	152,784.71	0.00
Neurosurgical Associates	325.00	0.00
Phoenix Memorial Hospital	1,391.89	0.00
Professional Diagnostix	46.00	0.00
Rural Metro Ambulance	2,146.20	0.00
Southwest Ambulance	4,290.50	0.00
Southwest Neuro-Imaging	538.00	0.00
Grand Totals:	244,559.19	0.00
Restitution	0.00	
Totals Denials:	244,559.19	

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**PERSONNEL AGENDAS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

**AMENDMENT WITH AREA AGENCY ON AGING, REGION ONE, INC., FOR HIV TRANSPORTATION SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 2 to Contract No. C8604824101 with the Area Agency on Aging, Region One, Inc., for the provision of HIV transportation services to those affected by HIV/AIDS. The amendment increases the contract dollar amount by \$1,000 and replaces the fee schedule, effective upon Board of Supervisor approval. Total funding for the term ending February 28, 2005 will increase from \$210,000 to \$211,000. (C8604824102)

**CONTRACT BETWEEN HCH AND PCH FOR MEDICAL SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the contract between Maricopa County Public Health Department, Health Care for the Homeless Department (HCH) and Phoenix Children's Hospital (PCH) for PCH to provide medical services to homeless youth via a mobile medical clinic. Term of contract is retroactive beginning January 1, 2005 through October 31, 2005. Total dollar amount not-to-exceed \$148,142. (C8605567100)

**LEASE WITH 4041 CENTRAL PLAZA, LLC FOR PUBLIC HEALTH OFFICE SPACE**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute new full service Lease No. L-7369 with 4041 Central Plaza, LLC, Lessor, for 32,048 square feet of office space for the Public Health Administration staff located at Central Avenue, Floors 14 and 15, Phoenix, AZ. The lease term is for five (5) years commencing on or about April 1, 2005 and terminating on March 31, 2010. The county may terminate the lease at the end of the 40th month with a termination fee equal to four month's rent. Parking is provided at a ratio of four spaces per 1000 rentable square feet. The county may "Hold Over" on a month-to-month basis for up to six months. Lessor is providing turnkey tenant improvements and a \$3.00 per square foot moving allowance. Rental rates are as follows:

<b>Year</b>	<b>Rate</b>	<b>Monthly</b>
April 1, 2005 to September 30, 2005	\$0.00 s/f	\$0.00
October 1, 2005 to March 31, 2007	\$17.10 s/f	\$45,668.40 plus rental tax
April 1, 2007 to March 31, 2008	\$18.10 s/f	\$48,339.07 plus rental tax
April 1, 2008 to September 30, 2009	\$18.60 s/f	\$49,674.40 plus rental tax
October 1, 2009 to March 31, 2010	\$17.90 s/f	\$47,804.93 plus rental tax

LESSEE shall pay its pro rata share of increases in operating expenses and real estate taxes above the base year of 2005 grossed up to 95% occupancy.

Per A.R.S. §42-17106, approve the transfer and expenditure of \$355,000 from FY 2004-05 Appropriated Fund Balance (480) General Fund (100) Major Maintenance (4832) Non-Project to a new line item in

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Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Public Health Lease", which will be used for furniture, voice-data and relocation expenses in FY 2004-05. OMB will utilize the existing "non-project" budgeted major maintenance funds to cover future years' lease costs accordingly on this line item. (C8605621400)

**SUBLEASE WITH HUMAN SERVICES CAMPUS, LLC IN DAY RESOURCE CENTER**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute new full service Sublease No. L-7366 with Human Services Campus, LLC as Sub-Landlord, Winslow Enterprises, LLLP as Landlord and Maricopa County Health Care for the Homeless as Sub-Tenant. The sublease is for 616 square feet of office space and common area in the Day Resource Center located at 1001 W. Jefferson Street, Phoenix, AZ. The term of the sublease shall be for 12 months commencing on or about July 1, 2004 and terminating on or about June 30, 2005. The Sub-Tenant shall be subject to all terms and conditions of the original master lease. Sub-Landlord and Sub-Tenant may terminate this agreement with 90-days written notice. Upon termination of this agreement, Sub-Tenant may hold over on a month-to-month basis subject to a 150% monthly rental rate increase. (C8605622400)

**GAINSHARING AWARDS FOR ELIGIBLE EMPLOYEES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the entire first quarter (July 1, 2004 through September 30, 2004) and partial second quarter (October 1, 2004 through December 31, 2004) gainsharing awards for eligible employees who participated in the "Maricopa Health Plan's Claims and Information Systems FY 2004-05 Gainsharing Program" (awards list on file in the Clerk of the Board's Office), including the program enhancements listed below. The Board of Supervisors approved the program on September 8, 2004, #C3505001000.

**Claims Inventory Reduction Goal:**

As of the December 31, 2004 in the report submitted to AHCCCS, approximately 8,500 claims were left in the claims payor system. Through additional analysis, it was determined that these claims are ready to pay and/or have been paid but cannot be released since the vendor is in a credit balance; therefore, no more processing is required. These claims will be included in the Research and Recovery phase of the project. Since this goal was completed in Quarter 1 and Quarter 2 and claims have been completely processed, the annual award will be paid to all employees based on the eligibility requirements. As a result, in Quarter 3 and Quarter 4, there will be no payments generated for this goal.

**Establish Eligibility Requirements and Award for Part-Time Employees:**

Achieving this major undertaking would be impossible without the help of part-time employees. Under the existing program eligibility requirements, only full time employees are eligible as long as the gainsharing program criteria is met. For part time employees, he/she must meet all of the eligibility requirements outlined in the program and their award will be calculated using the following payout schedule - based on hours worked in a measurement period:

261 Hours or more - 100% of the award  
Between 196 and 260 hours - 50% of the award  
Between 151 and 195 hours - 38% of the award

Between 130 and 150 hours - 25% of the award  
Between 0 and 129 hours - 0% of the award

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**Reduction In Force (RIF):**

Since a Third Party Administrator will perform the claims processing, the Health Plan may need to downsize the operation while this gainsharing program is in place. If an employee has met the eligibility requirements, either full time or part time, and is terminated through a reduction in force, he/she will still receive a gainsharing award. (C3505017000) (ADM3345-002)

**Claims & Information Technology  
Gainsharing Program FY 05**

Measurement Period One: 07/01/04 through 09/30/04

Partial Payment Measurement Period Two: 10/01/04 through 12/31/04 January 29, 2005

**MEASUREMENT PERIOD ONE - RESULTS – GOALS vs. ACTUALS:**

1. Goal: To reduce the claims inventory by 20% per month  
  
Actual: **Goal Met** - The claims inventory reduction goals were met and exceeded for all three months for Measurement Period 1
2. Goal: Meet or exceed the overall monthly payment and statistical accuracy measurements for each Quality Assessment Audit  
  
Actual: **Goal Not Met** – The payment and statistical accuracy measurements for each Quality Assessment Audit were not met for Measurement Period 1
3. Reduce and/or avoid potential sanctions for encounters pending for more than 91 days and by increasing the encounter adjudication rate  
  
Actual: **Goal Not Met** – The pending encounter reduction and sanction avoidance goals were not met for Measurement Period 1.

**MEASUREMENT PERIOD TWO - RESULTS – GOALS vs. ACTUALS:**

1. Goal: To reduce the claims inventory by 20% per month  
  
Actual: **Goal Met** - The claims inventory reduction goals were met and exceeded for all three months for Measurement Period 2
2. Goal: Meet or exceed the overall monthly payment and statistical accuracy measurements for each Quality Assessment Audit  
  
Since the metrics for this goal have not been received yet, the award determination for eligible employees will be performed at a later date and included in a subsequent agenda item.
3. Reduce and/or avoid potential sanctions for encounters pending for more than 91 days and by increasing the encounter adjudication rate  
  
Since the metrics for this goal have not been received yet, the award determination for eligible employees will be performed at a later date and included in a subsequent agenda item.



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Since the Claims Inventory Reduction goal was completed in Quarter 1 and Quarter 2 and claims have been completely processed, the annual award will be paid to all employees based on the eligibility requirements. As a result, in Quarter 3 and Quarter 4, there will be no payments generated for this goal.

For Quarter 1, the total payout is \$32,298. This does not include taxes paid by the employer.  
For Quarter 2, the partial payout is \$1,050. This does not include taxes paid by the employer.  
Total award payout to date is \$33,348+ variable benefits of \$4,451.96 for a total of \$37,799.96

**CONTRACT FOR CONSULTING SERVICES WITH WORK GROUPS BY DESIGN**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one-year extension to the consultant contract for professional consulting services with Work Groups by Design not to exceed \$14,465 for preparation of the Urban County Consolidated Annual Performance and Evaluation Report (CAPER) and the Maricopa HOME Consortium CAPER for FY 2004-05. (C1702061103)

**MULTI-CITY IGA FOR PARTICIPATION IN HOME PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a Maricopa HOME Consortium Inter-governmental Agreement with the municipalities of Chandler (C1705062200), Gilbert (C1705063200), Glendale (C1705064200), Mesa (C1705065200), Peoria (C1705066200), Scottsdale (C1705067200), and Tempe (C1705068200). Approve a resolution authorizing execution of same by the Chairman of the Board of Supervisors for the purpose of being qualified to receive HOME allocations as a Participating Jurisdiction (PJ) for the federal fiscal years of 2006, 2007, 2008, and thereafter. The Agreement provides an automatic renewal clause for succeeding years at the end of the initial term. As a result, the Agreement will remain in effect until the participating municipalities elect to amend or not to renew the document. (C17050612ZZ)

**RESOLUTION**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARICOPA, ARIZONA, AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS (BOS) TO ENTER INTO AN AGREEMENT WITH OTHER MUNICIPALITIES TO FORM A CONSORTIUM TO RECEIVE FEDERAL FUNDING UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM. BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MARICOPA, ARIZONA, AS FOLLOWS:

Section 1: That the Intergovernmental Agreement between the County of Maricopa and other municipalities, to form a consortium to receive federal funding under the HOME Investment Partnership Program, is hereby approved.

Section 2: That the Chairman of the Board is authorized and directed to execute the Agreement on behalf of the County of Maricopa; and the Clerk of the Board of Supervisors is authorized and directed to attest to the signature of the Chairman of the Board thereon.

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**DATED** by the Board of Supervisors, Maricopa County, Arizona, this 16<sup>th</sup> day of February 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**APPOINTMENT TO THE MARICOPA WORKFORCE CONNECTION, INC.**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Ted Murphree, Director of the Phoenix Building and Construction Trades Council, to the Maricopa Workforce Connection (MWC), Inc., as required under the Workforce Investment Act (WIA) of 1998. The term is effective upon appointment by the Board of Supervisors through June 30, 2006. (C2205122M00) (ADM2512-001)

**CONTRACT FOR WIA YOUTH SERVICES AND ACTIVITIES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract between the Maricopa County Human Services Department (HSD) and the State of Arizona, Governor's Office for Children, Youth and Families in the amount of \$37,500 to provide Workforce Investment Act (WIA) youth services and activities for economically disadvantaged youth, ages 14 through 21. The contract is effective January 1, 2005, and will terminate June 30, 2006. Funding for this contract is provided to Maricopa County by the Governor's Workforce Investment Act Discretionary Funds. This agreement does not contain any county general funds. (C2205124200)

**MOU WITH MCCCCD FOR ERISS LABOR MARKET SURVEY**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a financial Memorandum of Understanding (MoU) between Maricopa County Human Services Department (MCHSD) and the Maricopa County Community College District (MCCCCD), both political subdivisions of the state of Arizona. This MoU will be effective from the date of execution until the delivery of the final work product, which is anticipated to be within four months from the final execution of the agreement with ERISS Corporation. (C2206075200)

**BID AND AWARD CONTRACT FOR CHALKY SPRINGS FENCING PROJECT**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize a call for bids and award a contract to the lowest responsible bidder if the bid is within the approved budgeted amount for the Chalky Springs Fencing Project at the Chalky Springs Riparian Area at Lake Pleasant Regional Park. (C3005026500)

**RESOLUTION WITH GRIC REGARDING SAN TAN MOUNTAIN REGIONAL PARK**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and sign a resolution to the Gila River Indian Community (GRIC) regarding Maricopa County's commitment to provide assistance with the Historic Preservation Fund Grants to Indian Tribes, Alaska Natives, and Native Hawaiian Organizations grant application process and cultural resources survey and inventory at San Tan Mountain Regional Park.

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The Board appoints the Maricopa County Parks and Recreation Department Director as an agent of the Maricopa County Board of Supervisors to conduct all planning efforts and negotiate agreements that may be necessary for the administration and completion of this project. The Maricopa County Parks and Recreation Department Director may delegate authority to conduct the day-to-day administration of the project. (C3005028M00) (ADM3233)

**RESOLUTION**

**COMMITTING TO WORK WITH THE GILA RIVER INDIAN COMMUNITY  
TO CONDUCT A CULTURAL RESOURCES SURVEY AND  
INVENTORY IN SAN TAN MOUNTAIN REGIONAL PARK**

**WHEREAS**, the National Park Service has established the Historic Preservation Fund Grants to Indian Tribes, Alaska Natives, and Native Hawaiian Organizations; and

**WHEREAS**, the Gila River Indian Community is applying for a grant through the National Park Service's Historic Preservation Fund Grants to Indian Tribes, Alaska Natives, and Native Hawaiian Organizations to conduct a cultural resources survey and inventory in San Tan Mountain Regional Park; and

**WHEREAS**, the Gila River Indian Community has requested support from the Maricopa County Parks and Recreation Department to aid in the grant application process and the ensuing cultural resource survey and inventory project in San Tan Mountain Regional Park; and

**WHEREAS**, the Maricopa County Board of Supervisors adopted the San Tan Mountain Regional Park Master Plan on November 29, 2004,

**NOW, THEREFORE, BE IT RESOLVED** that the Maricopa County Board of Supervisors hereby:

- Commits to working with the Gila River Indian Community in applying for the grant and conducting the cultural resources survey and inventory for the mutual benefit of both agencies and the enhancement of the recreational needs of the general public; and
- Commits to providing Maricopa County Parks and Recreation Department personnel, services and equipment as part of a funding "match" for the project; and
- Certifies that project agreements will be consistent and compatible with all adopted plans and programs of the Maricopa County Parks and Recreation Department; and
- Certifies that Maricopa County Parks and Recreation Department will comply with all appropriate federal, state and municipal regulations, policies and requirements as they relate to the project agreements; and
- Appoints the Maricopa County Parks and Recreation Department Director as an agent of the Maricopa County Board of Supervisors to conduct all planning efforts and negotiate agreements that may be necessary for the administration and completion of this project. The Maricopa County Parks and Recreation Department Director may delegate authority to conduct day-to-day administration of the project.

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**DATED** this 17<sup>th</sup> day of February 2005.

/s/ Max W. Wilson, Chairman of the Board

**ATTEST:**

/s/ Fran McCarroll, Clerk of the Board

**ADDENDUM TO SAN TAN COOPERATIVE AGREEMENT WITH PINAL COUNTY**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Addendum to the San Tan Cooperative Agreement between Maricopa County and Pinal County. On May 19, 1999, Maricopa County and Pinal County entered into a Cooperative Agreement for the continued development of San Tan Mountain Regional Park (C3099014200). Through this Addendum, Maricopa County would be able to receive assistance for financing construction and procurement costs for selected projects. Pinal County will collect donated funds from developers, which shall be used first for the Entrance Monument, and any remaining money will be used for construction and procurement costs for the Entry Station. The Addendum will terminate upon the completion of the construction of the projects. (C3099014201)

**DONATION**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of a donation from the estate of James E. Baker of Phoenix, AZ to Animal Care & Control (AC&C) in the amount of \$39,526.78. Donation revenue funds are deposited into Fund 573 as they are received. (C7905062700) (ADM2300)

**KENNEL PERMITS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permits:

- a. For Philip Benway, d.b.a. Benway Kennels, 1810 N. 202nd Avenue, Buckeye, AZ 85326, for the term of February 16, 2005 through February 15, 2006. The cost of a kennel permit is \$90. (Supervisory District 4) (C7905063C00) (ADM2304)
- b. For Nancy Chapman, d.b.a. Chapman Kennels, 4201 W. Tierra Buena Lane, Phoenix, AZ 85053, for the term of February 16, 2005 through February 15, 2006. The cost of a kennel permit is \$90. (Supervisory District 4) (C7905064C00) (ADM2304)

**KENNEL PERMIT RENEWALS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permit renewals for Kenneth or Kathleen Swetman, d.b.a. KK's Kennels, 11255 W. Hidalgo Avenue, Tolleson, AZ 85353, District 5, Permit #271; Leona Lee or Mickey Bacon, d.b.a. L & M Kennels, 4336 E. Pollack Lane, Phoenix, AZ 85042, District 5, Permit #392; Jennifer Stuart, d.b.a. Rancho De Bow Wow Y Meow, 1150 E. Joy Ranch Road, Phoenix, AZ 85086, District 3, Permit #333; and, Gene or Helen Cowart, d.b.a. Cowart Kennels, 16252 S. Tuthill Road, Buckeye, AZ 85326, District 5, Permit #269 for the term of February 16, 2005 through February 15, 2006. The cost of each kennel permit is \$90. (C7905065C00) (ADM2304)

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### **TRANSFER FUNDS FOR FEE STUDY**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer and expenditure of \$118,800 from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to a new line item in Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) entitled "Animal Care & Control Fee Study" to pay Deloitte Consulting, LLP an amount of \$118,800. Approval of this action will allow Deloitte Consulting, LLP to help develop a structure for Animal Care & Control to establish fees beginning in FY 2005-06. (C7905067800) (ADM2300-003)

### **FUND TRANSFERS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

### **SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

#### **Award of Solicitation Serials**

~~**04147-S ELECTRONIC RESOURCES MCLD** (\$6,000,000 est./Six Years). Multiple award price agreement for electronic downloadable and/or aggregated books, or other electronic library resources for the Maricopa County Library District.~~

- ~~• Baker & Taylor Books Video Software~~
- ~~• Gale Group, Inc.~~
- ~~• OCLC Online Computer Library~~
- ~~• Overdrive, Inc.~~

**NOTE: Solicitation Serial 04147-S was moved to the Library District minutes.**

**04164-RFP Public Record Conversion Services** (\$3,100,000 est./One Year). Price agreement to provide digital scanning services to convert sixty-two million (62,000,000) documents to digital images for the Recorder's Office.

- AmCad, LLC

**04171-C Nameplates, Rubber Stamps and Related Items** (\$200,000 est./Three Years, with 3 One-Year Renewal options). Price agreement to purchase nameplates, rubber stamps, embossers and other related items for use by all County agencies.

- Arizona Stamp & Engraving

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- Office Depot BSD

**04201-S      Advertising Services** (\$10,500,000 est./Ten Years). Multiple award price agreement for advertising services (radio/TV, billboards, kiosks, movie theaters etc.) to be utilized by various Maricopa County departments on an as required basis.

- Moses Anshell, Inc.
- Suzie Guzman Solutions, Inc.
- Magic Designs Computer Graphics
- 98 KUPD/KDUS Radio
- Catapult Strategic Design, LLC
- Bohnsack Media Design
- Skyview Satellite Networks
- The Arizona Republic
- Monster Media, LLC
- KYJT – FM – Clear Channel Radio
- Bad Mojo

**An increase in the price agreement amount for the following contracts.** This request is due to an increased usage by county departments.

**00213-SC      Dental Services – Head Start** (\$25,000 Increase). Increase price agreement value from \$160,000 to \$185,000. The Head Start Division of the Human Services Department requests this \$25,000 increase in order that continued dental services can be provided to Head Start children under this agreement. This agreement has an expiration date of February 28, 2005.

**03033-C      Soil Stabilizer/Dust Palliative** (\$100,000 Increase). Increase price agreement value from \$200,000 to \$300,000. This \$100,000 increase is requested by MCDOT as a result of increased production and usage relating to the PM-10 Roads Initiative. This agreement has an expiration date of November 30, 2005.

**CAPA**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

**Juvenile Probation**  
Cecilia Chang

**Sheriff**  
Lynn Adams  
Amie Bristol  
Dan Campion

**Managed Care**  
Nancy Fountain  
Teresa Hite  
Bonita Lewis  
Rosemary Ragland

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**RESOLUTION FOR REVISION TO STATE IMPLEMENTATION PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the resolution on file in the Clerk of the Board's office describing issuance of Permit Number V 98-004 to W. R. Meadows Plant, Goodyear, Arizona, containing condition 23 that implements Reasonably Available Control Technology (RACT) requirements for the fiberboard saturation process. The resolution also provides for the submission of condition 23 of that permit as a revision to the Arizona State Implementation Plan (SIP) for ozone and that all other permit conditions in the permit are redacted as indicated by the crossed out text and will not be submitted as part of the SIP revision. (On file in the Clerk of the Board's Office.) (C8505008000) (ADM2351-001)

**SETTLEMENT WITH PHOENIX HOOTERS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the proposed settlement of Maricopa County vs. Phoenix Hooters as discussed in Executive Session on September 20, 2004 for \$2,000. (C8505009000) (ADM409)

**APPROVE EXEMPTION OF VEHICLE MARKINGS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the exemption from markings of the list of vehicles on file in the Clerk of the Board's office, until March 31, 2006 pursuant to A.R.S. §38-538.03. (C7405002M00) (ADM3101V)

**PUBLIC NOTICE AND AUTHORITY-TO-AWARD CONSTRUCTION CONTRACT FOR CEILING REPAIRS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Public Notice Legal Advertisement and authority to award a Design-Bid-Build construction contract for "Replace Security Ceiling – Estrella Jail"- Project 1610-05-005 (Maximo 2004503466), to the lowest responsive, responsible bidder, if the bid price is not more than ten percent (10%) over the architect's estimate. The project site is located at the County's Durango Campus, located at 2939 W. Durango Street, Phoenix. The project is funded in the Detention Operations budgets: a) FY 2004-05 Fund 255, Agency 482, Org 4832, Object 0915, Function Class EJIS - \$200,000. b) FY 2005-06 Fund 255, Agency 482, Org 4832, Object 0915, Function Class EJIS - \$1,000,000. (C7005035500)

**MAJOR MAINTENANCE BUDGET ADJUSTMENTS IN DETENTION OPERATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following FY 2004-05 Major Maintenance Budget adjustments in Detention Operations, Fund 255, Agency 472, Org 4732: a) Decrease \$125,128 from Durango Juvenile Probation Building Infrastructure Improvements, Function Class DDII and \$170,000 from Durango Jail Building Infrastructure Improvements, Function Class DDJS. b) Increase the Towers Jail Building Infrastructure Improvements, Function Class TIJU in the amount of \$295,128 in Major Maintenance, Detention Fund (255) General Government (472), Org (4732). The adjustments have a net zero impact on the overall county budget. (C7005036800) (ADM800-003)

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**AMENDMENT TO FIVE-YEAR MAJOR MAINTENANCE PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following amendment to the FY 2004-05 Five Year Major Maintenance Plan:

- a. Create a new project titled "Central Courts Building Infrastructure Improvements", Project 3305-05-002, Function Class ICCI in Year 1 of the plan General Fund (100) Appropriated Fund Balance (480), Org (4832) in the amount of \$230,000;
- b. Approve the reallocation of \$230,000 from Old Court House Building Improvements, Function Class OOHl to Central Courts Building Infrastructure Improvements, Function Class ICCI from FY 2004-05 Major Maintenance Budget, General Fund (100) Appropriated Fund Balance (480), Org (4832). The adjustments have a net zero impact on the overall county budget.
- c. Authorize the Public Notice and authority to award a Design-Bid-Build construction contract for the "Central Courts Building Infrastructure Improvements", Project 3305-05-002, to the lowest responsive responsible bidder provided that the bid is not more than 10% over the architect's estimate. The project site is located at 201 W. Jefferson Street, Phoenix. This project is funded by FY 2004-05 Major Maintenance Budget, Fund 100, Agency 470, Org 4732 and FY 2004-05 Major Maintenance Fund 100, Agency 480, Org 4832, Function Class ICCI. (C7005037500) (ADM800)

**ADDITION TO FLEET AND PURCHASE OF CARGO VANS AND GAS AND/OR ELECTRIC CARTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition to the county fleet and purchase of eight cargo vans and eight gas and/or electric carts in support of the maintenance of the new Adult and Juvenile Detention and General Fund facilities at a cost which does not exceed the estimated cost (\$264,000) by more than 10%. The funds for the purchase are budgeted within the Facilities Management Operating Budget(s). (C7005038800) (ADM3104)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (List on file in the Clerk of the Board's Office). (ADM2007)

- |                   |  |
|-------------------|--|
| A011.004<br>(JPP) | Project No: 68927 – Chandler Heights Road Box Culvert at Eastern Canal – Letter Agreement for a Temporary Ingress and Egress Permit – Parcel No.: 303-55-203 – William Naugle – for the sum of \$100.00. |
| A011.005<br>(JPP) | Project No: 68927 – Chandler Heights Road Box Culvert at Eastern Canal – Letter Agreement for a Temporary Ingress and Egress Permit – Parcel No.: 303-55-202 - Altania Ortiz – for the sum of \$100.00.  |
| A011.006<br>(JPP) | Project No: 68927 – Chandler Heights Road Box Culvert at Eastern Canal – Letter Agreement for a Temporary Ingress and Egress Permit – Parcel No.: 303-55-226 – Dennis Bauman – for the sum of \$100.00.  |



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- A011.007 (JPP) Project No: 68927 – Chandler Heights Road Box Culvert at Eastern Canal – Letter Agreement for a Temporary Ingress and Egress Permit – Parcel No.: 303-55-227 – Ben Vanderknopp – for the sum of \$100.00.
- A078.014 (LS) Project No: TT028 – PM10 / OPS 11th Avenue (Galvin Street to Cloud Road) – Agreement for Right of Entry – Parcel No.: 211-54-025M – Thomas G. Reyes and Valerie J. Taylor – for the sum of \$100.00.
- A078.015 (LS) Project No: TT028 – PM10 / OPS 11th Avenue (Galvin Street to Cloud Road) – Agreement for Right of Entry – Parcel No.: 211-54-025H – Ket Talley and Carrie L. Talley – for the sum of \$100.00.
- A078.023 (EGA) Project No: 69010 – 11th Avenue (Cloud Road to Maddock Road) – Easement and Agreement for Highway Purposes – Parcel No.: 211-54-023M – Terrence T. Marron and Judy L. Marron – for the sum of \$25,992.00.
- A078.023 (EGA) Project No: 69010 – 11th Avenue (Cloud Road to Maddock Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 211-54-023M – Terrence T. Marron and Judy L. Marron.
- A078.035 (CS) Project No: TT028 – PM10 / 11th Avenue (Cloud to Maddock) – Easement and Agreement for Highway Purposes – Parcel No.: 211-51-036J – Vann Belvoir and Sauci Belvoir – for the sum of \$15,700.00.
- A078.035 (CS) Project No: TT028 – PM10 / 11th Avenue (Cloud to Maddock) – Purchase Agreement and Escrow Instructions – Parcel No.: 211-51-036J – Vann Belvoir and Sauci Belvoir.
- A121.004 (JPM) Project No: TT043 – McNeil Street (35th Avenue to 31st Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 300-15-008V – Miller D. Frazier and Carol A. Frazier – for the sum of \$11,316.00.
- A121.004 (JPM) Project No: TT043 – McNeil Street (35th Avenue to 31st Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 300-15-008V – Miller D. Frazier and Carol A. Frazier.
- A121.007 (LS) Project No: TT043 – PM10 / OPS McNeil Street (35th Avenue to 31st Avenue) – Agreement for Right of Entry – Parcel No.: 300-15-070L – Pedro Adolfo Cervera-Robles and Cruz Olivia Mendivil – for the sum of \$100.00.
- A121.007 (LS) Project No: TT043 – PM10 / OPS McNeil Street (35th Avenue to 31st Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 300-15-070L – Pedro Adolfo Cervera-Robles and Cruz Olivia Mendivil – for the sum of \$5,900.00.
- A121.007 (LS) Project No: TT043 – PM10 / OPS McNeil Street (35th Avenue to 31st Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 300-15-070L – Pedro Adolfo Cervera-Robles and Cruz Olivia Mendivil.

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- A121.009 (LS) Project No: TT043 – PM10 / OPS McNeil Street (35th Avenue to 31st Avenue) – Agreement for Right of Entry – Parcel No.: 300-15-070J – Richard C. Gittings and Amy W. Gittings – for the sum of \$100.00.
- A121.009 (LS) Project No: TT043 – PM10 / OPS McNeil Street (35th Avenue to 31st Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 300-15-070J – Richard C. Gittings and Amy W. Gittings – for the sum of \$5,700.00.
- A121.009 (LS) Project No: TT043 – PM10 / OPS McNeil Street (35th Avenue to 31st Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 300-15-070J – Richard C. Gittings and Amy W. Gittings.
- A263.009 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Agreement for Right of Entry – Parcel No.: 203-14-018B – Gordon F. Imming and Ardis M. Imming, as Trustees – for the sum of \$500.00.
- A263.009 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-018B – Gordon F. Imming and Ardis M. Imming, as Trustees – for the sum of \$23,398.00.
- A263.009 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-018B – Gordon F. Imming and Ardis M. Imming, as Trustees.
- A263.010 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Agreement for Right of Entry – Parcel No.: 203-14-016E – Kenny J. Kuzelka – for the sum of \$500.00.
- A263.010 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-016E – Kenny J. Kuzelka – for the sum of \$12,723.00.
- A263.010 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-016E – Kenny J. Kuzelka.
- A263.011 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Agreement for Right of Entry – Parcel No.: 203-14-016G – Paul J. Crum and Sharon D. Crum – for the sum of \$500.00.
- A263.011 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-016G – Paul J. Crum and Sharon D. Crum – for the sum of \$14,003.00.
- A263.011 (LS) Project No: TT047 – PM10 / OPS 33rd Avenue (Irvine Road to Desert Hills Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-016G – Paul J. Crum and Sharon D. Crum.

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- A263.014 (TS) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Agreement for Right of Entry – Parcel No.: 203-14-017K & 017L – Theodore J. Skillen and Maria E. Skillen – for the sum of \$500.00.
- A263.014 (TS) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-017K & 017L – Theodore J. Skillen and Maria E. Skillen – for the sum of \$18,641.00.
- A263.014 (TS) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-017K & 017L – Theodore J. Skillen and Maria E. Skillen.
- A263.018 (TS) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-011T – Ronald Gawlitta or Judith Ann Gawlitta, Trustees; Brett M. Preach and Debra Preach; and Phillip L. Preach and Dorothy Preach – for the sum of \$1,500.00.
- A263.018 (TS) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-011T – Ronald Gawlitta or Judith Ann Gawlitta, Trustees; Brett M. Preach and Debra Preach; and Phillip L. Preach and Dorothy Preach.
- DD-9467 & DD-9468 (TS) Project No: TL008 – Easement and Agreement for Highway Purposes – Parcel No.: 503-53-003 and 503-53-001 – Cool Cats, LLC and David Kazan, Trustee – for the sum of \$1.00.
- DD-9488 (CE) Project No: 69010 – Ratification of Grant of Easement – Parcel No. 304-87-019V, 019U, 019W – Keith E. McReynolds and Linda K. McReynolds.
- LW-002 1 (EGA) Project No: TT007 – Agreement for Right of Entry - Old US Highway 80 (331st Avenue and Luke Wash) – Parcel No.: 401-40-002B – Freddie A. Garcia and Frances Garcia – for the sum of \$10.00.
- X-1469-1 (JPM) Project No: 68902 – Ellsworth Road (University Drive to McClellan Road) – Letter Agreement for a Temporary Ingress and Egress Permit – Parcel No.: 218-07-096A – Sajjad Minhas – for the sum of \$100.00.

**SOLICITATION OF BID FOR SPRING 2005 ASPHALT-RUBBER OVERLAY PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation for bids for the Maricopa County Department of Transportation's Asphalt-Rubber Overlay Project, Spring 2005, Work Order No. 30050022, and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C6405201500)

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**AGREEMENT WITH SUN CITY FIRE DISTRICT FOR FIRE EQUIPMENT INSTALLATION AND MAINTENANCE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Agreement between Maricopa County and the Sun City Fire District for Fire Preemption Equipment Installation and Maintenance on county-owned traffic signals. The Agreement will not exceed five (5) years unless extended by appropriate actions by the county and the fire district. Either party may terminate this Agreement at any time prior to the end of its duration by furnishing the other party with a written notice 90-days prior to the termination date. (C6405206000)

**PUBLIC RIGHTS-OF-WAY FOR DOS RIOS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and accept Public Rights-Of-Way as conveyed in the Map of Dedication for Dos Rios. (C6405212000) (ADM2007)

**ASSIGNMENT OF THE DOS RIOS DEVELOPMENT AGREEMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the assignment of the Dos Rios Development Agreement from Security Trust as Trustee under Trust No. 51518 and M.T. Peyzack (collectively, the "Master Developer") to D.R. Horton, Inc. - Dietz-Crane, a Delaware corporation. The agreement requires Maricopa County to consent to any assignment by the Master Developer. D.R. Horton, Inc. – Dietz Crane, as new owner, has agreed to accept the assignment of the agreement and to comply with all terms therein. (C6405162000) (C6405213000)

**RE-APPOINT MR. RON GAWLITTA TO STATE BOARD OF EQUALIZATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to re-appoint Mr. Ron Gawlitta whose term will be effective from Board of Supervisors' approval through December 31, 2008. (ADM4908-001)

**SETTING OF HEARINGS – ROAD FILE DECLARATION**

Petition has been filed for declaration of the following roads into the county highway system. Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to set a hearing for 9:00 a.m., Wednesday, March 9, 2005:

- i        **Road File No. A145.** In the vicinity of Orangewood Avenue – from 83rd Avenue to 175th Avenue (Supervisory District 4) (C6405209500)
- ii       **Road File No. A331.** In the vicinity of Cotton Lane – from Lower Buckeye Road to the South Line of Section 2, T1S, R2W (Supervisory Districts 4 and 5) (C6405210500)

**SETTING OF HEARING - ROAD FILE LEGAL DESCRIPTION AMENDMENT**

Petition has been filed for a legal description amendment of the following road in the county highway system. Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a hearing for 9:00 a.m., Wednesday, March 9, 2005.

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**Road File A263-R.** In the vicinity of 33rd Avenue from Irvine Road to Desert Hills Drive which was declared into the county highway system on November 3, 2004. (Supervisory District 3) (C6405115501)

**SETTING OF HEARING - DISSOLUTION OF MAPLEWOOD STREET IMPROVEMENT DISTRICT**

Petition has been filed for the dissolution of the Maplewood Street Improvement District (K 108). No improvements have been made and there are no bond obligations of the district. The Maplewood Street alignment will remain a private roadway with no county maintenance. The district is located in the vicinity of Pecos Road and Greenfield Road. Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a hearing for 9:00 a.m., Wednesday, March 9, 2005. (C6405207000) (ADM4302)

**HEARING SET - PLANNING AND ZONING CASES**

No hearings are scheduled for March 23, 2005.

**INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE BONDS (HORIZON COMMUNITY LEARNING CENTER PROJECT)**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PIMA EDUCATION REVENUE BONDS (HORIZON COMMUNITY LEARNING CENTER PROJECT), SERIES 2005 (THE "BONDS") IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$34,000,000**

**MINUTES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held December 13, 2004, December 16, 2004, January 18, 2005, January 19, 2005, January 31, 2005, and February 2, 2005.

**ASRS CLAIMS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. See claims on file in the Clerk of the Board's office. (ADM3309)

**Employee's Name**  
Duran, Cynthia

**Employer's Amt**  
50,156.37

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Villareal, Cecilia	741.33
Wakley, Colleen	24,254.42
Biles, David	62,796.82
Brees, Samantha	3,507.55
May, Delcie	9,458.12
Bryant, Connie	6,164.84
<b>TOTAL</b>	<b>\$157,079.45</b>

**CANVASS OF ELECTIONS**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office.

**Roosevelt Irrigation District ADM4319**

**CLASSIFICATION CHANGES**

No change of classification and/or reduce the valuation of certain properties which are now owner occupied were received at this time. (ADM723)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reissuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Safeco Insurance Company of America	AD00350525339	Expense	\$1,517.41
Anthony Scheffner	250045779	General	\$712.84
Marion Saba Alleman	250028400	Expense	\$90.00
Smiths Detection	350529838	Expense	\$477.42
Henry Cota	250029611	Expense	\$90.00

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
City of Phoenix	Isaac SD #5	450063223	\$5,774.23
Patricia Henry	Laveen SD #59	150000797	\$267.71
Kristin Metler	Pendergast SD #92	450066984	\$142.14
Clotilde Camacho	Isaac SD	150070422	\$185.25
Mayr Plumbing	Roosevelt SD #66	450074137	\$5,557.63
Ultimate Electronics	Agua Fria UHSD #216	450045777	\$498.15
Dunbar Armored	Roosevelt SD	450058360	\$260.17

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Bryan Jonovich	Buckeye Elem SD #33	150070855	\$73.88
Asbait	West MEC District	450017149	\$1,305.00
Nancy Mc Farland	Tolleson Union High School	450063812	\$619.00
David Hernandez	Agua Fria District	150024852	\$23.83

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated February 16, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

TAX ROLL	RESOLUTION NO.	NET RESULT
1999	33554	-\$1,702.44
1999	33555	-\$1,908.11
1999	33556	-\$436.55
1999	33557	-\$436.55
1999	33558	-\$806.54
1999	33559	-\$120.48
1999	33560	-\$985.21
1999	33561	-\$3,100.95
1999	33561	-\$1,650.46
1999	33562	-\$22.59
1999	33563	\$99.73
1999	33564	-\$643.13
2004	33552	\$105.16
2004	33552	\$105.14
2004	33552	\$210.23
2004	33553	\$951.34
2004	33553	\$1,484.62

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases on file in the Clerk of the Board's office. (ADM704)

<b>2003</b> TX 03-000053 TX 03-000093 <b>2003/2004</b>	TX 04-000089 outside counsel TX 04-000422 outside counsel <b>2005</b> ST 04-000102
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TX 03-000593	ST 04-000112
<b>2004</b>	ST 04-000136
ST 04-000078	ST 04-000169
TX 04-000042	TX 04-000502
TX 04-000086	TX 04-000600
TX 04-000134	TX 04-000601
TX 04-000140	TX 04-000605
TX 04-000142	TX 04-000615
TX 04-000647	TX 04-000637
<b>2004/2005</b>	TX 04-000659
ST 04-000099	

**STALE DATED WARRANTS**

No warrant claims were presented at this time. (ADM1816)

**TAX ABATEMENTS**

No requests for tax abatements were received for this meeting. (ADM708)

**COMPROMISES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held January 31, 2005). (ADM407)

Callejas-Zurita, Ricardo	\$6,000.00	Deany, Ashley L	\$277.65
Carbajal, Maria	\$3,000.00	Flores, Luis	\$2,500.00
Carbajal, Selena	\$310.00	Gifford, Andrea	\$13,000.00
Castro, Damaris	\$5,000.00	Leon, Delores	\$14,619.65
Castro, Gabriel	\$10,810.97	Medrano, George	\$5,000.00
Castro, Lourdes	\$3,447.34	Olivares, Yolanda	\$5,000.00
Castro, Maria	\$59,974.83		

**PUBLIC COMMENT**

No member of the public came forward to comment at this time. (ADM605)

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Brock commented on the Citizen's Advisory Committee for the Board of Health saying that he is highlighting them because of the current battle against the West Nile Virus and the study of deadly pesticides that have been, and are continuing to be, utilized in the search for effective alternatives. He said that he felt it is important to thank all of the citizens who volunteer their time to sit for hours in meetings after having a probable hassle to find parking, and often giving additional time to study the issue



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prior to and after the meetings. He said their ongoing service to the County is very valuable and very much appreciated. (ADM606)

Supervisor Wilcox commented on the meeting she and Supervisor Stapley just attended in Washington D.C. for NACo and said they were given a lot of information she hoped to share with the other Board members in a special meeting. She said she had been impressed with the finesse displayed by the staff and the members in their organization and presentations. She added that she was very impressed that Mr. Stapley had "known everybody" and had guided her to interesting people to talk to and in their many visits to the Hill. She said that Mr. Stapley "Is really respected by the organization and the people in it."

The Supervisors all welcomed Chairman Wilson back after his recent surgery, and in turn, he thanked those throughout the County who had contacted him with cards, flowers and well wishes.

**\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning Issues\*\*\***

**CODE ENFORCEMENT REVIEW**

**CODE ENFORCEMENT REVIEW – CARA STEELE - CONTINUED**

Item: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00440, Cara Steele (This hearing continued from meeting of June 16, 2004 and January 5, 2005) (ADM3417-023)

On the recommendation of staff, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to continue this item to August 24, 2005.

**CODE ENFORCEMENT REVIEW – LEO R. LEROY – CONTINUED**

Item: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2001-00041, Leo R. Leroy (This hearing continued from meeting of September 18, 2002, January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003) (ADM3417-013)

On the recommendation of staff, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to August 24, 2005.

**CODE ENFORCEMENT REVIEW – DONALD HUTMAN – CONTINUED**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2001-00718, Donald Hutman (THIS HEARING CONTINUED FROM MEETING OF SEPTEMBER 18, 2002, JANUARY 8, 2003, JANUARY 22, 2003, FEBRUARY 5, 2003, FEBRUARY 19, 2003, AUGUST 27, 2003) (Supervisory District 5) (ADM3417-012)

On the recommendation of staff, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to August 24, 2005.

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**PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **S2004-036**     District 4  
          **Applicant:**     Cortessa, L.L.C.  
          **Location:**     Southwest corner of Peoria Avenue and Citrus Road, (in the northwest Glendale area)  
          **Request:**     Final Plat in the R1-6 RUPD, R1-8 RUPD, Rural-43 and C-2 zoning districts for Cortessa (613.52 ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve this final plat.

2.     **S2004-068**     **District 4**  
          **Applicant:**     DEI Professional Services, LLC for Pulte Home Corporation  
          **Location:**     Southwest corner of Pinnacle Peak Road and El Mirage Road (in the Sun City West area)  
          **Request:**     Final Plat in the R1-6 RUPD zoning district for La Posada at Corte Bella Country Club - Unit I, Phase 2 (31.55 ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve this final plat.

**REGULAR AGENDA DETAIL:**

3.     **DMP2004-006**   **District 3**  
          **Applicant:**     Earl, Curley & Lagarde, PC on behalf of Anthem Arizona, LLC  
          **Location:**     South of Daisy Mountain Drive, east of I-17, north of Joy Ranch Road alignment, west of 35<sup>th</sup> Avenue alignment (in the Anthem area)  
          **Request:**     Major Amendment to the Anthem Development Master Plan (DMP) to change the land-use designation from Multi-Neighborhood Commercial/Mixed Use Center (MNC/MUC) to Urban Residential/Very Low density (UR/VL) – Anthem Panhandle (333.3 ac.)

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of DMP2004-006, subject to the following stipulations “a” through “g”. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 9-0.

- a.     Development shall be in accordance with the submitted narrative report entitled “Development Master Plan Amendment for Anthem”, dated revised November 23, 2004 and stamped approved November 30, 2004 – in conjunction with the provisions included

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in the previously approved narrative reports for DMP 94-6A, DMP 94-6B, DMP200008 and DMP2003010, except as modified by the following stipulations. A revised Anthem Development Master Plan document incorporating the approved amendments and conditions of approval shall be submitted to the Planning and Development Department for acceptance within 60 days of the date of approval by the Board of Supervisors.

- b. The developer shall coordinate with the Arizona State Land Department and City of Phoenix to make connections between the North Valley Parkway and Gavilan Peak Parkway.
- c. The following Maricopa County Department of Transportation stipulations shall apply:
  - i. Provide a total full-width of 130 feet of right-of-way on Gavilan Peak Parkway to the southern boundary of the development.
  - ii. Provide a minimum of two (2) accesses to each development phase and construct a divided roadway (Gavilan Peak Parkway) for access to the parcel.
  - iii. Document changes in land use to residential and update Traffic Impact Study (TIS) prior to preliminary plat submittal.
- d. The developer shall provide an at-grade crossing of the Maricopa Trail running east/west at Deadman Wash at the proposed extension of Gavilan Peak Parkway running north/south.
- e. If future freeway noise impact studies warrant mitigation measures, Maricopa County shall not be responsible for constructing and maintaining any required noise walls or other forms of noise abatement.
- f. All other stipulations to the Anthem Development Master Plan, as set forth in prior approvals, shall remain in effect as may be applicable.
- g. Prior to approval of the first final plat in the Panhandle area, the applicant shall submit an application to rezone from C-2 to C-O the north half of Parcel 4A (7 ac.) and Parcel 4B (8 ac.), located on Venture Court, south of Anthem Way, and shall thereafter process this application through the Board of Supervisors. In addition, the applicant agrees to work with Arizona American (to amend the existing Special Use Permit area for the Water Campus to remove the excess property on the west side of Gavilan Peak Parkway) and also work with the Daisy Mountain Fire District (to relocate the temporary fire station currently located in this same area to its permanent location) in order to enable these parcels totaling approximately 5 acres to be submitted and processed for C-O zoning for employment related uses.

Mr. Gerard said this item is related to the next item, which is a zoning request (Z2004-075) to cover this land-use designation amendment as requested for Anthem's Development Master Plan. Staff recommended denial but the Planning Commission approved it with the above stipulations.

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Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "g."

- 4. Z2004-075 District 3**  
**Applicant:** Earl, Curley & Lagarde, PC on behalf of Anthem Arizona, LLC  
**Location:** South of Daisy Mountain Drive, east of I-17, north of Joy Ranch Rd. alignment, west of 35<sup>th</sup> Avenue alignment (in the Anthem area)  
**Request:** Major Amendment to the Anthem Plan of Development (Zoning) – to rezone from Rural-43 to R1-18 RUPD, R1-10 RUPD and R1-6 RUPD, with a PAD overlay for the entire site – Anthem Panhandle (333.3 ac.)

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2004-075, subject to the following stipulations "a" through "z". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 9-0.

- a. The Z2004-075 approval supercedes all previous versions of the Anthem Plan of Development as approved under Z 95-53A, Z 95-53Q, Z2000098 and Z2003125. All development within Anthem shall comply with zoning as per the revised Anthem Plan of Development document listed in stipulation 'b' below. Approvals and stipulations for all previous site-specific precise site plans remain in effect as may be applicable.
- b. Development shall be in accordance with the submitted narrative report entitled "Amendments to the Plan of Development... Anthem", dated revised November 23, 2004 and stamped received November 30, 2004 - in conjunction with the provisions included in the previously approved narrative reports for Z 95-53A, Z 95-53Q, Z2000098 and Z2003125, except as modified by the following stipulations. A revised Anthem Plan of Development document incorporating the approved amendments and conditions of approval shall be submitted to the Planning and Development Department for acceptance within 60 days of the date of approval by the Board of Supervisors.
- c. Development of any property for office, commercial or multi-family uses shall undergo Precise Plan of Development review and approval prior to development. Information regarding the proposed development standards shall be submitted as part of the application materials.
- d. Guest quarters/accessory dwelling units shall be permitted in only Country Club 1 and Country Club 2 Villages of Anthem, and shall be limited to no more than 50% of the lots within the respective Village. All guest quarters/accessory dwelling units shall comply with Article 1002.9 of the Maricopa County Zoning Ordinance, and details regarding size, location, design and all other requirements shall be submitted for staff review and approval at the time of submittal of a preliminary plat for any phase or portion of the Country Club 1 and Country Club 2 Villages.
- e. The entire area of the Anthem Development Master Plan shall be subject to a Planned Area Development (PAD) Overlay Zone. This allows for flexible zoning district boundary lines, which will be illustrated on and set with Final Plat or Precise Plan of Development approvals.

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- f. Major changes with regard to use and intensity to the Plan of Development, including but not limited to the conditions of approval or RUPD development must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Minor changes may be administratively approved by the Planning Division of the Planning and Development Department.
- g. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- h. Continued monitoring and analysis of potential roadway connections shall be done in cooperation with Maricopa County Department of Transportation.
- i. All Commercial zones in Anthem are subject to a Commercial Unit Planned Development (CUPD) Overlay Zone. The CUPD will allow relief from buffer/screen wall requirements except as outlined in the Anthem Design Guidelines incorporated as an element of the Anthem Plan of Development document referenced in stipulation 'b' above. The CUPD will otherwise allow commercial development in conformance with the Anthem Design Guidelines. A Precise Plan of Development is required for any commercial development.
- j. All Residential zones in Anthem are subject to a Residential Unit Planned Development (RUPD) Overlay Zone. The RUPD supercedes any previous Neighborhood Unit Planned Development (NUPD) Overlay Zone that may have been established. The RUPD is subject to development standards listed in the following chart:

Development Standard	R1-35 RUPD	R1-18 RUPD	R1-10 RUPD	R1-8 RUPD	R1-7 RUPD	R1-6 RUPD	R-2 RUPD	R-3 RUPD	R-4 RUPD
Min. Front Setback	28'	20'	14'	14'	14'	14'	14'	14'	14'
Min. Rear Setback	28'	21'	17.5'	17.5'	17.5'	17.5'	17.5'	17.5'	17.5'
Min. Side Setback	14'	7'	4.9'	4.9'	3.5'	3.5'	3.5'	3.5'	3.5'
Min. Street-Side Setback	14'	10.5'	7'	7'	7'	7'	7'	7'	7'
Distance Between Buildings	10.5'	10'	10'	10'	10'	7'	7'	7'	7'
Min. Lot Width	101.5'	84'	56'	56'	49'	42'	42'	42'	42'
Min. Lot Area (sq. ft.)	24,500	9,775	7,000	5,600	4,900	4,200	4,200	4,200	4,200
Avg. Lot Area / D.U. (sq. ft.)	35,000	18,000	10,000	8,000	7,000	6,000	4,000	3,000	2,000
Max. Lot Coverage	26%	50%	48%	45.5%	51%	52%	65%	65%	65%
Max. Building	39'	39'	39'	39'	39'	39'	39'	40'	40'

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Height (Stories)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(3)	(3)
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- k. Single-family development in the R-3 RUPD and R-4 RUPD zoning districts are limited to a maximum building height of 30' and 2 stories. Multi-family development in the R-3 RUPD and R-4 RUPD zoning district are limited to 39' and 2 stories east of Gavilan Peak Parkway, and 40' and 3 stories west of Gavilan Peak Parkway.
- l. Casitas and side-loaded garages in the R1-18 RUPD zoning district may observe a 14' front setback.
- m. Flag lots shall be permitted within the R1-35, R1-18, R1-10, R1-8, R1-7, R1-6, and R-2 (all RUPD) zoning districts, subject to the following standards:
  - i. The minimum width of the pole portion of the flag lot shall be 20'.
  - ii. The maximum length of the pole portion of the flag lot shall be 150'.
  - iii. Minimum lot dimensions and setbacks shall apply to the flag portion of the flag lot.
  - iv. The front of any flag lot shall be the narrowest side of the flag portion of the lot, which is closest to the pole.
  - v. Each flag lot shall have direct access to a public or private street.
- n. Key lots shall be permitted within the R1-35, R1-18, R1-10, R1-8, R1-7, R1-6 and R-2 (ALL RUPD) zoning districts, subject to the following standards:
  - i. Driveways of key lots shall be located on the opposite side of the front yard from the property line boundary shared with the affected corner lot.
  - ii. Lot walls of the affected corner lots may sit at a zero setback to both the rear and street-side lot line but shall be angled so as not to adversely affect visibility from the key lot's driveway. Said angle shall be at least 45 degrees and shall begin at least five-feet from a point that would otherwise be the intersection of the plane of the walls.
  - iii. Subdivision lot layout may otherwise provide for a sight-distance triangle for the benefit of the key lot.
- o. Building disturbance envelopes shall be required for all development in hillside areas of 10% - 15% slope. Building envelopes are to designate the area that may be disturbed for all residential structures and amenities in the rear yard (i.e. pools, decks, ramadas, turf and retaining walls). Envelopes shall be determined at the time of Subdivision Plat or Precise Plan of Development. Except for the driveway, the balance of the lot outside this envelope shall be retained in its natural state. These areas may be enhanced with native or near-native vegetation. Slopes of 10% or greater shall be delineated on all plans.

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- p. No development shall be permitted on hillside slopes of 15% or greater. These areas shall be set aside as natural open space areas. Slopes of 15% or greater shall be delineated on all plans.
- q. All development in Anthem shall be subject to the Anthem Design Guidelines included in the Anthem Plan of Development document referenced in stipulation 'b' above.
- r. A blanket waiver is granted to the requirement of the Maricopa County Subdivision Regulations for dedication and associated improvements of arterial routes along section line alignments and collector routes along mid-section line alignments.
- s. Parcel 6 shall be developed at a residential density of not less than fifteen (15) dwelling units per acre.
- t. There shall be a minimum 100' natural open space buffer between the edge of the Interstate-17 right-of-way and the lot lines of any residential lots.
- u. Maricopa County will not be responsible for any future sound mitigation measures for development along Interstate-17.
- v. All applicable stipulations of Anthem Development Master Plan, DMP2004006, shall be in effect.
- w. The Anthem Plan of Development, Z2004075, is a Protected Development Rights Plan.
- x. Prior to approval of the first final plat in the Panhandle area, the applicant shall submit an application to rezone from C-2 to C-O the north half of Parcel 4A (7 ac.) and Parcel 4B (8 ac.), located on Venture Court, south of Anthem Way, and shall thereafter process this application through the Board of Supervisors. In addition, the applicant agrees to work with Arizona American (to amend the existing Special Use Permit area for the Water Campus to remove the excess property on the west side of Gavilan Peak Parkway) and also work with the Daisy Mountain Fire District (to relocate the temporary fire station currently located in this same area to its permanent location) in order to enable these parcels totaling approximately 5 acres to be submitted and processed for C-O zoning for employment related uses.
- y. In the Panhandle area, the applicant shall use muted desert colors and tones consistent with the surrounding environment for all structures, buildings and walls.
- z. Open projections, such as patio covers, are allowed to project 5' into the required rear yard.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "z."

- 5. Z2004-104 District 1**  
**Applicant:** Arch Ratliff of UTAZ Development Corporation on behalf of Chandler Regional Hospital

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**Location:** North of Riggs Road, east of Alma School Road (in the south Chandler/Sun Lakes area)  
**Request:** Plan of Development for a medical office complex in the C-1 PD zoning district–Sun Lakes Professional Village (4.16 ac.)

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2004-104, subject to the following stipulations “a” through “k”. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall comply with the site plan entitled “Sun Lakes Professional Village”, consisting of five (5) full-size sheets prepared by Architecture Plus, Ltd., stamped received January 5, 2005, except as modified by the following stipulations.
- b. Landscaping of the site shall be generally consistent with the landscape plan entitled “Sun Lakes Professional Village”, consisting of one (1) full-size sheets prepared by Architecture Plus, Ltd., stamped received January 5, 2005, except as modified by the following stipulations
- c. Development and use of the site shall comply with the narrative report entitled “Sun Lakes Professional village”, consisting of three (3) pages, dated November 12, 2004, and stamped received November 18, 2004, except as modified by the following stipulations.
- d. Private parking areas shall not be used for runoff retention. Per Section 603.2.c of the Drainage Regulations for Maricopa County, the covered parking spaces are considered private parking.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- f. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.
- g. All trees shall be double-staked when installed.
- h. All outdoor lighting shall conform to Article 1112 of the Maricopa County Zoning Ordinance.
- i. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- j. Major changes to this plan of development (the precise plan of development and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following



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recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance. (F23170)

Darren Gerard said there is no known opposition to this case and it was originally on the Consent Agenda. The date in stipulation "a" was changed from January 5 to January 25, as shown below.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval with stipulations "a", as amended, through "k."

- a. Development and use of the site shall comply with the site plan entitled "Sun Lakes Professional Village", consisting of five (5) full-size sheets prepared by Architecture Plus, Ltd., stamped received January ~~5~~25, 2005, except as modified by the following stipulations.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Max W. Wilson, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board